

## REMARKS

### **INTRODUCTION:**

In accordance with the foregoing, claims 1, 10, and 14-17 have been amended to further redefine and clarify the recitations provided therein, and claim 18 has been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-18 are pending and under consideration. Reconsideration is requested.

### **ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116:**

Applicant requests entry of this Rule 116 Response because the amendments of claims 1, 10, and 14-17 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### **REJECTION UNDER 35 U.S.C. § 102:**

*On page 3 of the Office Action, claims 10-12 and 16 rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,333,979 to Bondi et al. ("Bondi").*

FIG. 6 of Bondi generally provides is an exemplary diagram of historical call volume data, which is collected, categorized and saved, based on one or more predetermined categories of interest. See column 7, lines 15-63 of Bondi. The historical call volume data is one of the inputs, known as coefficients, required to set up a linear programming model for determining the destination plan. In short, the linear programming model for determining the destination plan

operates subject to a set of coefficients and constraints, which describe the communications processing system 100. The linear programming model uses input parameters and/or coefficients, decision or assignment variables, and objective functions. The input parameters and/or coefficients may be unit costs that could be communication processing center dependent, call volumes that could be predetermined category and time of day dependent, and call handling capacities that could be communication processing center and time of day dependent.

However, nothing in Bondi teaches or suggests a storing unit storing management information **to classify or classifying** each network apparatus based on a combination type, “wherein said combination type is a type of a **combination** of a business entity **providing a service** to at least one of the network apparatuses and the corresponding costs of the business entity related to **providing of the at least one of the network apparatuses**,” emphasis added, as recited in independent claims 10-12 and 16. There is no classification in Bondi of each network apparatus based on the service being provided and the costs related to the providing of each of the network apparatus, rather, Bondi limits its description to providing a call data list including call volumes, constraints, and capacities. The mere mention of communication processing center dependent does not teach or suggest all the recitations recited in independent claims 10-12 and 16.

Referring to independent claim 18, Bondi is silent as to teaching or suggesting, “a support server receiving the access request, referencing a subscriber table to acquire an affinity ID corresponding to the subscriber ID, comparing the affinity ID acquired from the subscriber table with the affinity ID from the network apparatus to determine a match between affinity IDs,” and the recitations provided in the claim regarding when a match occurs and does not occur.

In view of the foregoing, it is respectfully requested that independent claims 10 and 16 and related dependent claims be allowed.

#### **REJECTION UNDER 35 U.S.C. § 103:**

*On page 4 of the Office Action, claim 13 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Bondi. This rejection is traversed and reconsideration is requested.*

Dependent claim 13 depends from independent claim 10. Accordingly, Bondi must teach or suggest all the claimed features of independent claim 10. The arguments presented above supporting the patentability of independent claim 10 in view of Bondi are incorporated herein.

*Further, on page 4 of the Office Action, claims 1-9, 14-15, and 17 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Bondi and U.S. Patent No. 6,606,653 to Farris ("Farris"). This rejection is traversed and reconsideration is requested.*

Independent claims 1 and 14-15 recite, "wherein said combination type is a type of a combination of a business entity providing a service to at least one of the network apparatuses and the corresponding costs of the business entity related to providing of the at least one of the network apparatuses." The arguments presented above supporting the patentability of such recitation in view of Bondi are incorporated herein.

Further, Bondi provides an incoming communication routing mechanism to **split** the incoming communication traffic among multiple communication centers. See column 4, line 49, to column 5, line 65, column 9, lines 55-62, and column 14, lines 57-59. However, the incoming routing mechanism of Bondi does not provide "a type of **a combination** of a business entity **providing a service** to at least one of the network apparatuses and the corresponding costs of the business entity related to **providing of the at least one of the network apparatuses**," emphasis added, as recited in independent claims 1 and 14-15.

In addition, Farris generally describes diverting voice calls between two end location gateway servers of a data internetwork, during periods of unacceptable network conditions, through the public switched telephone network (PSTN). However, nothing in the cited reference described the type of the combination recited in the claims. Thus, even assuming, arguendo, that Bondi and Farris were combined, a combination thereof would be silent in teaching or suggesting, "a type of a combination of a business entity providing a service to at least one of the network apparatuses and the corresponding costs of the business entity related to providing of the at least one of the network apparatuses," as recited in independent claims 1 and 14-15.

Furthermore, Bondi and Farris fail to teach or suggest, "in a case that a service capable of being utilized by said network apparatus is added, managing the sharing of the cost of providing of said distributed network apparatus by the business entity providing the added service and a business entity providing an existing service," as recited in independent claim 17.

It is respectfully requested that independent claims 1, 14-15 and 17 and related dependent claims be allowed.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot and further, that all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal, since it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner's contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_ July 6, 2004 \_\_\_\_\_

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